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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,134	07/18/2003	Richard L. Sandor	026532-0103	4476

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WINSTON & STRAWN LLP  
PATENT DEPARTMENT  
1700 K STREET, N.W.  
WASHINGTON, DC 20006

EXAMINER
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VETTER, DANIEL

ART UNIT	PAPER NUMBER
3628	

MAIL DATE	DELIVERY MODE
07/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/623,134		SANDOR, RICHARD L.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Daniel P. Vetter		3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 21, 23, 24, 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) 21, 23, 24 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/18/2003, 8/25/2003, 1/5/2006</u>                            | 6) <input type="checkbox"/> Other: _____                          |

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### DETAILED ACTION

Claims 1-16, 18-21, 23-27, 29, and 33-36 were previously pending in this application. Claims 13-16, 18-20, 25-27, 29, and 33-36 have been cancelled; claims 1, 21, and 23-24 have been amended; and new claims 37-38 have been added in the response dated May 16, 2007. Claims 1-12, 21, 23-24, and 37-38 are currently pending in this application.

### *Election/Restrictions*

1. Applicant's election without traverse of claims 1-12 in the reply filed on May 16, 2007 is acknowledged. Non-elected claims 21 and 23-24 are withdrawn from consideration.
2. Newly added claim 38 does not comply with the original restriction requirement. This claim is a copy of a distinct invention previously set forth in canceled claim 13 that went non-elected in the response to the original restriction requirement. Accordingly, this claim is withdrawn from consideration.
3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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*Specification*

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

*Claim Objections*

5. Claim 37 is objected to because it is a duplicate of claim 1.

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 5-6, 9-11, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Soestbergen, et al., U.S. Pat. Pub. No. 2002/0143693 (Reference A13 of the IDS submitted Jan. 5, 2006).

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8. As per claims 1 and 37, Soestbergen, et al. teaches an emissions reduction trading system comprising: a registry that stores emission allowance and offset holding information for participants in a greenhouse gas emissions market (¶ 0014); and a trading platform communicatively coupled to the registry (¶¶ 0013-14), the trading platform being configured to enable trades of emission allowances and offsets by participants (¶ 0014).

9. As per claim 5, Soestbergen, et al. teaches the system of claim 1 as described above. Soestbergen, et al. further teaches the greenhouse gas emissions market comprises multi-sector and multi-national components (¶¶ 0007-08).

10. As per claim 6, Soestbergen, et al. teaches the system of claim 1 as described above. Soestbergen, et al. further teaches participants register projects that are issued offsets (¶ 0071) amounting to at least a minimum level of mitigated tons of CO<sub>2</sub> per year (¶¶ 0070, 0108).

11. As per claim 9, Soestbergen, et al. teaches the system of claim 1 as described above. Soestbergen, et al. further teaches the emission allowance and offset holding information stored by the registry includes baseline information (¶ 0106).

12. As per claim 10, Soestbergen, et al. teaches the system of claim 9 as described above. Soestbergen, et al. further teaches the registry further includes reduction schedule, and mitigation quantity information (¶ 0108).

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13. As per claim 11, Soestbergen, et al. teaches the system of claim 1 as described above. Soestbergen, et al. further teaches the trading platform manages a standardized greenhouse gas emissions trading program among a number of business sectors (§ 0196).

*Claim Rejections - 35 USC § 103*

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soestbergen, et al. in view of Sharp, et al., U.S. Pat. Pub. No. 2002/0111892 (Reference A of the attached PTO-892).

16. As per claim 2, Soestbergen, et al. teaches the system of claim 1 as described above. Soestbergen, et al. does not teach a guarantee mechanism that ensures next-day payment for exchange-cleared trades transacted using the trading platform despite failure of buyer to execute payment. Sharp, et al. teaches a guarantee mechanism that ensures payment for exchange-cleared trades transacted using the trading platform despite failure of buyer to execute payment (§ 0141). It would have been prima facie

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obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Sharp, et al. into the system taught by Soestbergen, et al. to facilitate an automated payment mechanism in an auction-based marketplace (as taught by Sharp, et al.; ¶¶ 0141-42). Sharp, et al. further teaches the payment occurs on the second day and on thirty days after the trade is completed (¶ 0085) but does not explicitly teach the payment occurs on the next day. However, it would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the payment is next-day payment because where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). Furthermore, Applicant has not demonstrated the criticalities of the next-day time period rather than another time period such as the ones taught by Sharp, et al (¶ 0085).

17. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soestbergen, et al. in view of *Acid Rain Program: Allowance Auction and Electronic Allowance Transfer*, June 6, 1996, Federal Register, Vol. 61 No. 110, pages 28995-98 (Reference U of the attached PTO-892; hereinafter "EPA Notice").

18. As per claim 3, Soestbergen, et al. teaches the system of claim 1 as described above. Soestbergen, et al. does not explicitly teach the trading platform can perform

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auctions of exchange allowances and/or offsets. EPA Notice teaches the trading platform can perform auctions of exchange allowances and/or offsets (page 1). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of EPA Notice into the system taught by Soestbergen, et al. because auctions are a known means used by organizations such as the Environmental Protection Agency ("EPA") to distribute allowances (as taught by EPA Notice; page 1).

19. As per claim 4, Soestbergen, et al. in view of EPA Notice teaches the system of claim 3 as described above. EPA Notice further teaches the auctions comprise single-clearing price auctions or discriminating price auctions (page 1). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of EPA Notice into the system taught by Soestbergen, et al. in view of EPA Notice because these are both types of auctions that are used by organizations such as the EPA to distribute allowances (as taught by EPA Notice; page 1).

20. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soestbergen, et al. in view of Raines, et al., U.S. Pat. Pub. No. 2003/0229572 (Reference A16 of the IDS submitted Jan. 5, 2006).



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21. As per claim 7, Soestbergen, et al. teaches the system of claim 6 as described above. Soestbergen, et al. does not teach participants not having projects with offsets amounting to at least the minimum level of offset issuance per year are aggregated into groups having collective projects with collective offsets totaling at least the minimum level of issued tons of CO.sub.2 per year. Raines, et al. teaches participants not having projects with offsets amounting to at least the minimum level of offset issuance per year are aggregated into groups having collective projects with collective offsets (§ 0045) totaling at least the minimum level of issued tons of CO.sub.2 per year (§ 0320). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Raines, et al. into the system taught by Soestbergen, et al. because many small residential reductions are in quantities too small to be marketable (as taught by Raines, et al.; § 0014).

22. Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soestbergen, et al. in view of Tuck, et al., U.S. Pat. No. 6,115,698 (Reference A8 of the IDS submitted Jan. 5, 2006).

23. As per claim 8, Soestbergen, et al. teaches the system of claim 1 as described above. Soestbergen, et al. further teaches the trading platform communicates with the registry to confirm identities of participants buying and selling trades (§ 0088).

Soestbergen, et al. does not teach while providing anonymous trading to the

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participants. Tuck, et al. teaches while providing anonymous trading to the participants (column 2, line 14). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Tuck, et al. into the system taught by Soestbergen, et al. because anonymous trading is required of a true market (as taught by Tuck, et al.; column 2, lines 14-15).

24. As per claim 12, Soestbergen, et al. teaches the system of claim 1 as described above. Soestbergen, et al. further teaches the trades of emission allowances and offsets by participants are done (¶ 0014). Soestbergen, et al. does not teach the trades are done in real-time. Tuck, et al. teaches the trades are done in real-time (column 2, lines 7-8). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Tuck, et al. to allow participants to consummate the best opportunities (as taught by Tuck, et al.; column 2, lines 8-9).

### *Conclusion*

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fleming, U.S. Pat. Pub. No. 2003/0055665 (Reference B of the attached PTO-892) teaches a method for tracking pollution credits earned by an employer through the application of a telework program, including registering an employee of the employer, receiving communications from the employee of data

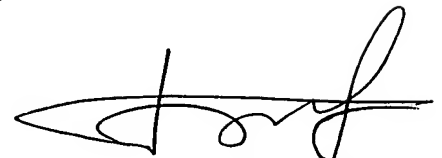
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respecting telework performed by the employee, calculating pollution credits earned by the employer as a result of the telework performed by the employee, and communicating the pollution credits earned by the employer to a third party server.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Vetter whose telephone number is (571) 270-1366. The examiner can normally be reached on Monday through Thursday from 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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